

I think there is about \$700 million in gross revenue that comes from concessions in the whole Park System, which is a very sizable amount.

On the other hand, parks are not all big-profit operations because Glacier Park, for example, in Montana is only opened a portion of the year. And the season is rather shortened. So we have to deal with questions like: How long should the contract be for sizable investments? Should there be the right of renewal? Should there be some sort of proprietary ownership in these facilities at the time the contract exchange comes? So we are working with those things. I am positive that we can find some solutions.

I also want you to know that one of, I think, the key issues we are talking about with concessions—I mentioned to you this is a large commercial business. It is a commercial business. We think we ought to take a look at the idea of contracting with an asset manager out of the private sector who is a professional at managing hospitality things to do this. That is not really the role of a park ranger in terms of training and background.

As you know, Mr. President, I have been working as hard as I can to see if we can't move these commercial functions of the Government over into the private sector, at least give them an opportunity to bid on it. So that is one of the things that we are seeking to do.

I do not think that we are going to solve the financial problem out of the concessions by any means. But we ought to be able to do two things. We ought to be able to have good facilities that are kept up; and we ought to be able to have a small stream of revenue come to the parks. We think that might be one of the possibilities for doing something with the bonding revenue.

We are looking at improved management. The Park Service, after all, is a large agency. I think, with some of the most dedicated employees of any agency in the country. The people you talk to that work for the Park Service are really, really dedicated to doing what they do. They like to preserve the parks. They like to work in the parks. But they did not always have the opportunity, for instance, to be trained.

We are going to look at some university exchanges where folks could get some additional training and help them do their jobs. But I think more than anything it has become a large agency, and what we need is a strategic plan.

Any business of that size, any operation of that size needs a strategic plan that has some forward ideas as to how to solve problems. Frankly, that is kind of why we are where we are. There has not been any plans presented to the Congress. And the Congress has not taken the initiative to prepare plans to accommodate these problems that we now have, and problems of increased visitation. The highways, for example, in Yellowstone Park are way behind in preparation and care. So we need a strategic plan in the agency.

Probably at least as important then is each park, and each park manager, needs to have a strategic plan that contributes to the overall plan and one with measurable objectives and measurable goals so that you do not just have a plan that everybody thinks is wonderful but you have one that at the end of the year you can take a look at the plan and say you accomplished what you were going to or you did not. If you did not, there ought to be a reason why you did not. So we think we can do some good there.

Let me tell you that we are working very closely with the Park Service. And a new park director is now in place, Bob Stanton. His background as a career park official has been that he was the head of the parks here in this area. It was the first time, by the way, that the park director has been approved by the Senate. That was just changed so it is an appointment that has to be approved. So we are working with him. The Secretary of the Interior has talked favorably about some of the changes that need to be made.

Finally, one of the things we are doing is trying to take a look at the criteria for new parks. I think it is fairly well defined in terms of setting aside things that are important either historically or culturally or from a natural resource standpoint.

But, unfortunately—I think unfortunately—we have continued to add more parks that do not necessarily fit that criteria. They are often recommended by Members of Congress who have an equivalent of a State or a county park in their area that they would like to have the Federal Government pay for. So they move it into the Park Service when it could just as well be a State park. And we find ourselves short of money to handle the 375 parks we have now, and continuing to increase with parks that may or may not fit the criteria.

So we are not as concerned about the criteria. I believe it exists there. But we are concerned and hopefully will change the process in which the criteria moves through the Congress so that there is an opportunity to do that.

So, Mr. President, these are the things that we are doing. We have purposely worked on it all this session. We did not intend to bring a bill this session, but we do intend to have one prepared for January. I think it is one of the things that most Americans are supportive of. Not everybody is going to be supportive of every proposal we have to do it, but I think there is general support for strengthening parks. There needs to be.

Certainly we have more and more people wanting to participate in them. So you have to recognize that as caring. So we will be moving forward on that. I think it is something that Congress ought to undertake, and be very proud to undertake.

There is great controversy over many of the environmental issues that go around. But there is not much con-

troversy over this one. If we talk about what are the needs, are we going to try and fulfill those needs, most everybody says yes. Now, when you get to how you do it, obviously, there will be differences of view and debate. That is why we are here.

But, Mr. President, I am excited about this opportunity. We call our plan "Vision 2020," so that we can take a look at parks so that our kids, 20 years from now, and others, will be able to enjoy them with the same intensity that we have been able to.

We look forward to having our proposition ready by January. I hope many of the Members of the Senate will join with us in seeking to resolve this important question and problem.

Mr. President, I thank you for the time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent I be allowed to proceed for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATE HOLDS

Mr. WYDEN. Mr. President, I rise today to take a few minutes to discuss the effort here in the Senate to eliminate the secrecy with which the Senate so often conducts business. Through a procedure that certainly isn't known to most Americans, it is possible for one U.S. Senator to unilaterally block this Senate from considering a piece of legislation or a nomination. This process is known as a hold. Certainly as we have seen in the last few days, a hold is an extraordinary power in the last few hours of a session in the U.S. Senate. In fact, it is fair to say in the last few hours of a session, a hold is essentially unbeatable.

Now, originally a hold was intended as a courtesy to a Senator. If the Senator couldn't be present at a particular time—there was an illness in the family, this sort of thing—they could put a hold on a measure or nomination, and that way, as a courtesy, the Senate would make sure it was brought up shortly thereafter when that Senator could be there.

But what has happened over the years is that the hold has been abused. At one point here fairly recently there were more than 40 holds on individuals, nominees, pieces of legislation, and it was all done in secret—all of it. At a time when the American people are so skeptical of the way business is done in Washington, DC, and so often understandably skeptical, the secret hold, the unilateral power of one Senator to block a bill or nomination and do it all

in secret is something that is being abused, and abused especially at the end of a session of the U.S. Senate.

Senator GRASSLEY and I, on a bipartisan basis, have tried to eliminate the secrecy that surrounds these holds. We have said we are not quarreling with the proposition of a Member of the U.S. Senate to have this extraordinary power. Members of the Senate, under all other circumstances, are accountable to their constituents. But in this case they aren't accountable because they can exercise this power in secret.

Senator GRASSLEY and I offered what we don't think is exactly a radical idea, which is that when a Senator uses this power, it would be publicly disclosed. We said if a Senator uses this power, they should have to disclose the use of that hold in the CONGRESSIONAL RECORD within 48 hours of exercising their hold. That way, the U.S. Senate would know who is exercising this power, the American people would know who is exercising this power. If a Member of the U.S. Senate is doing the bidding of a powerful set of interests, it would be possible for everybody to know what exactly was taking place. So Senator GRASSLEY and I were able in the last weeks of the session to attach an anti-Senate-secrecy amendment so that when the use of the hold is applied, the American people would know who was blocking this body from considering a bill or nomination.

Now, as I understand it, there are discussions underway, in effect behind closed doors, behind closed doors without public debate, there is discussion of dropping an effort to end Senate secrecy. I will tell you, that doesn't pass the smell test. Killing a plan to end Senate secrecy behind closed doors isn't the way this body ought to be doing business. Certainly what we have seen in the last few weeks since Senator GRASSLEY and I prevailed on our proposal here in the Senate to end secrecy, is that there has been an explosive proliferation of the use of holds once again. There are countless bills and nominations that certainly deserve consideration. You can argue whether they deserve majority support, but they certainly deserve open debate, and they can't be brought to this floor because one Senator has secretly said no. One Senator has secretly said, "No, I will not allow discussion" of that particular topic.

The irony of all of this, Mr. President, is that often even Senators don't know when a hold has been placed in their name. I have had a number of Senators tell me since I've come to the Senate that they have been approached about holds. They were told they had a hold on a measure. It turned out the staff had put a hold on it without their even knowing about it. So it is one thing for an elected official, a Member of the U.S. Senate with an election certificate to exercise this extraordinary power; it is quite another to have those who are not elected exercise it. It highlights, again, how much this process has been abused of late.

I thought that the minority leader, Senator DASCHLE, captured the spirit of this situation the other day in his morning briefing with the press. Amid what reads on the transcript like pretty raucous laughter, the minority leader walked reporters through the variety of holds that there were on dozens of nominees at that time. In fact, he said, "If you don't have a hold, you ought to feel lonesome." The minority leader was pressed by reporters about who might be placing some of the holds, but the minority leader said he didn't know who was placing these holds. Some have said eventually you can find out who is exercising the hold. But I can tell my colleagues here in the U.S. Senate that even the minority leader is on record as saying he doesn't know who is placing these secret holds.

This secrecy, in my view, Mr. President, is not in keeping with the proud traditions of the U.S. Senate, and it is not in keeping with the fundamental spirit of openness and accountability that is at the heart of our democratic process. I sought to serve in the U.S. Senate because I wanted to be in a position to influence policy on issues that are important to Oregonians and the people of this country. I value the extraordinary opportunity that I have been given by my constituents to serve and to use the power that they have given me on behalf of them and the American people. But it is time to say that power must be accompanied by responsibility. That responsibility is to be straight with the American people, to tell them about the actions and the policies that they are taking. It certainly is not in line with the spirit of openness and accountability for the American people to allow one Senator in secret to unilaterally block from this floor even the consideration of a bill or nomination.

I am one who simply feels that public business ought to be done in public. Some might think that is a little bit quaint at this time in American history. But I think it is time to bring some sunshine to the process for debating these issues. I am very proud and very grateful that Senator GRASSLEY has joined me in this effort. I think it is very unfortunate that there appears now to be an effort behind closed doors to kill our proposal to end Senate secrecy. That will be unfortunate if it takes place. If it takes place, I want every Member of the U.S. Senate to know that Senator GRASSLEY and I will be back on this floor pressing the case again.

It's not going to threaten the deliberative approach that this body rightly takes to consideration of issues, to have openness and accountability in the way that the Senate does business. Senator GRASSLEY and I aren't saying get rid of the hold; we are not saying the hold ought to be abolished and a power that a Senator now has be diminished. We are simply saying that power should be accompanied by responsibility. Rights should be accompanied by responsibility.

Now, I was very gratified when the proposal Senator GRASSLEY and I offered in the U.S. Senate was approved by this body. I have been appreciative of the fact that the Senate majority leader, TRENT LOTT, has been willing to work with me on this matter and has indicated that he certainly doesn't want to see Senate secrecy and see important decisions made without accountability. And I felt that the Senate was moving in the right direction when, initially, our proposal was voted on, and favorably so, by the U.S. Senate.

But I am concerned that the bill that will come before the Senate, the D.C. appropriations bill, will not contain the legislation that Senator GRASSLEY and I offered to end Senate secrecy. I am concerned that our proposal may just disappear behind closed doors, without any public debate, without any explanation at all, and that our proposal may be put aside with the very secrecy that we sought to end.

So I tell my colleagues, Mr. President, that this fight is not going to end today. The D.C. appropriations bill is an important part of the Senate's work and it needs to be completed. But this Senator wants to be clear that we will be back, and we will be back, in my view, with even more support from the American people, given the fact that, in recent weeks, there were more than 40 holds—40 holds—on nominees and individual pieces of legislation, and even the Senate minority leader could not tell the American people who was exercising those holds.

Mr. President, it's time for additional openness and accountability in the U.S. Senate. In my view, continuing these secret practices cheapens the currency of democracy. The Senate can maintain its proud traditions with having openness and accountability, and each Member of the U.S. Senate will still be able to fight for their constituents and do the work they were sent here to do.

So I am still hopeful that the D.C. appropriations bill, when it comes back, will contain the legislation that Senator GRASSLEY and I authored to end the secrecy in the way business is done in the Senate. But if it's not, if our provision is not, I want to assure the Members of the U.S. Senate that we will be back, we will be back on a bipartisan basis. I don't believe it's possible for any Senator, at a town hall meeting in their home State, to justify these secret holds. I don't think it passes the smell test. I think it's wrong. If we don't prevail on it today, Mr. President, we will be back.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Ms. MOSELEY-BRAUN] is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FAST-TRACK LEGISLATION

Ms. MOSELEY-BRAUN. Mr. President, today's economic reality is that trade is global. Whether we enter into new international trade agreements or not, we cannot turn back the clock on the pace of globalization of our economy.

Nor should we want to. In open and free trade lies the potential of increased trade, and with increased trade and constructive interaction among the peoples of the world, the prospect of job creation, and an improved standard of living worldwide is created.

Americans, who have enjoyed the highest standard of living in the world, need not fear our ability to compete and win in this new global economy. To the contrary, we have every interest in preparing ourselves to meet and master the challenges of this new era.

Economic growth through trade can produce better jobs, increased prosperity, and a continuation of the high standard of living and opportunity that define the American dream. In the last 4 years, exports have accounted for one out of every three jobs created in the U.S. economy. Moreover, the strength of our economy is reflected in the fact that the United States is the No. 1 exporting nation in the world.

Our trade competitors, in recognition of the trends already evident in this new global economy, have formed regional trading alliances and relations to meet U.S. competition in world markets. Europe is beginning to trade as a European Community; an agreement among the Association of Southeast Asian Nations, known as ASEAN, augments Asian competition; and the United States entered into the NAFTA, in order to begin the formation of a regional trading arrangement in our hemisphere.

I believe that trade liberalization can have positive effects for our American economy. I do not believe, however, that it is advisable at this time to resort to the fast-track procedure to get there.

At the outset, I want to remind my colleagues and the public at large that what is at issue with this debate is not whether we will embrace trade liberalization, but how we will do so, and under what conditions. For constitutional, policy, and practical reasons I cannot support S. 1269, given the current lack of consensus in this Congress on trade policy objectives. I believe that this legislative proposal, as currently constituted, leaves too many questions unanswered regarding the balance that needs to be struck in the interest of American business and the American people.

Section 8 of article 1 of the Constitution gives to Congress the commercial power: "Congress shall have the power to . . . regulate commerce with foreign nations, and among the several states,

. . . and to lay and collect duties, imports and excises." The Framers of the Constitution very clearly made it our responsibility to make commercial agreements, to set tariff levels, and to pass the laws necessary to implement legislation for trade agreements that are not self-executing. This power was put into the hands of the Congress, after no small amount of debate, as a check and balance on the President's authority to make treaties and to conduct foreign policy.

The concept of checks and balances lies at the heart of our constitutional system of government. The separation of powers, and the checks and balances it provides, was, and is, a defense against the tyranny that concentration of power invites. In fact, some of the Framers of the Constitution argued that the powers vested in one branch of the Government could only be exercised by that branch. In 1789, James Madison proposed an amendment to our Constitution which explicitly stated as much: "the legislative, executive and judiciary powers vested by the Constitution in the respective branches of the government of the United States shall be exercised according to the distribution therein made, so that neither of said branches shall assume or exercise any of the powers peculiar to either of the other branches." (The House adopted Madison's proposed amendment, while the Senate, for reasons lost to history, rejected it.)

While it is still a matter of scholarly debate to what extent the separation of powers exists as a doctrine or as a concept within our Constitution, the fact that we are engaging in this debate at all is witness to the fact that this bill calls upon the legislature to transfer a good part of its constitutional authority, in regards to commercial treaties, to the Executive.

That is not to suggest that the fast-track authority has been a failure, or that the Executive should never be entrusted to assume such authority as the Constitution makes our responsibility. An early Secretary of the Treasury, Albert Gallatin, speaking to those instances in which "shared" authority might be appropriate, noted that, "it is evident that where the Constitution has lodged the power, there exists the right of acting, and the right of direction". . . . but he went on to address the accommodation that might be appropriate between the branches of government in this regard: "the opinion of the executive, and where he has a partial power, the application of that power to a certain object will ever operate as a powerful motive upon our deliberations. I wish it to have its full weight, but I feel averse to a doctrine which would place us under the sole control of a single force impelling us in a certain direction, to the exclusion of all the other motives of action which should also influence us." (Gallatin, 7 Annals of Congress 1121-22 (1798))

The bill before us would effectively preclude the Congress from informing

the Executive of "all the other motivations of action," and even limits the time for debate. No amendments to trade agreements negotiated under the fast-track authority are permitted, and only 20 hours of debate are allowed. Given the momentous changes which are taking place in this new and global economy, this restriction on congressional input seems to me unwise and unnecessary, and should not be allowed to become routine practice.

Part of the lingering bitterness over the NAFTA, I suspect, arises from the fact that it was presented to the Congress under the same kind of fast-track procedures as are at issue now. Now, it is true that the claims on both sides of that debate, of a great "sucking sound" on the one hand, or of unprecedented job creation, on the other, did not materialize. What we have seen, in fact, is a mix of results, some better than predicted, some very much worse, but none fully realized, or more importantly, shared with the American people.

My home State of Illinois, for example, is a great exporting State, the fifth largest in our country; 425,000 Illinois jobs are directly related to exports, and Illinois manufacturing exports have grown by 53 percent since 1993. Illinois' agricultural sector has also benefited from increased exports of corn and soybeans.

On the other hand, the losses of manufacturing jobs have been significant enough to give more credence than I would have liked to the dire predictions of the debate over NAFTA. Other States have had different experiences, and one need only reflect on the impact on wheat imports, for example, to conclude that we have yet to reach closure on the long term effects that increased liberalization will create.

And yet, despite that history and despite the absence of a clear trade policy architecture that can command broad support both in Congress and across our Nation generally, S. 1269 would again mute the voice of the Congress concerning the architecture and objectives of our trade policy. Without the ability to amend such agreements as may be reached in the future, or to even enjoy normal parliamentary rights, we are left to that "sole control of a single force impelling us in a certain direction," which Mr. Gallatin feared.

We need a trade policy framework that will represent the interests of all of the American people, and that will best advantage our business sector in its global competitive challenge. Unfortunately, despite the best efforts of our President and his first rate economic and trade team, we do not yet have such a framework.

I am particularly concerned about the issue of child labor. American business cannot compete fairly with nations that allow labor costs to be artificially depressed by the exploitation of children. In 1994, the U.S. Department of Labor issued a startling report